

ASSEMBLY BILL

No. 441

Introduced by Assembly Member Parra

February 16, 2007

An act to add Section 667.18 to the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 441, as introduced, Parra. Sentencing: enhancements: methamphetamine.

Existing law establishes various sentencing enhancements, as specified.

This bill would impose an additional 3-year term of imprisonment in the state prison for persons who commit a felony while under the influence of methamphetamine.

By creating an additional punishment for criminal conduct, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 667.18 is added to the Penal Code, to
2 read:

1 667.18. (a) Any person who commits a felony while under the
2 influence of methamphetamine shall be punished by an additional
3 term of imprisonment of three years in the state prison, to be served
4 consecutive to the term imposed for the felony.

5 (b) In order to impose the term specified in subdivision (a), the
6 facts supporting the enhancement shall be pled and proved at trial,
7 or admitted by the defendant.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.